

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America
v.
Terrill Smith

Case: 2:21-mj-30362
Assigned To : Unassigned
Case No. Assign. Date : 7/22/2021
Description: U.S. V. TERRILL
SMITH

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 21, 2021 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

Code Section
18 U.S.C. § 922(g)(1)

Offense Description
Possession of a firearm by a convicted felon

This criminal complaint is based on these facts:
see attached affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: July 22, 2021

City and state: Detroit, Michigan

Matthew H. Totten

Complainant's signature

Matthew Totten, Special Agent (ATF)

Printed name and title

Kimberly G. Altman

Judge's signature

Hon. Kimberly G. Altman, United States Magistrate Judge
Printed name and title

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A CRIMINAL COMPLAINT**

I, Special Agent Matthew Totten, being duly sworn, hereby state:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been employed with the ATF for over one year. As a Special Agent, I am currently assigned to the Detroit Field Office. I have conducted and participated in numerous criminal investigations focused on firearms and narcotics violations. I am a graduate of the Criminal Investigator Training Program and the ATF Special Agent Basic Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia. Prior to my employment with ATF, I was employed as a State Trooper with the Michigan State Police for six years from 2014 through 2020. I earned a bachelor's degree from Cedarville University.

2. I make this affidavit from personal knowledge based on my participation in this investigation, including reports from other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

3. Based upon my training, experience, and participation in illegal firearms investigations and my extensive discussions with experienced agents of the ATF, police officers of the Westland Police Department (WPD) and other federal, state, and local law enforcement agencies, I know the below information to be true.

4. ATF is currently conducting a criminal investigation concerning Terrill SMITH (DOB XX/XX/1976) for violations of 18 U.S.C. § 922(g)(1) (felon in possession of a firearm).

PROBABLE CAUSE

5. On July 21, 2021, I reviewed a computer printout of SMITH's criminal history (CCH), which indicated that SMITH has been convicted of the following felony offenses, each punishable by more than one year in prison:

- a. 2013-Felony Home Invasion-3rd Degree-Pled Nolo Contd, 22nd Circuit Court;
- b. 2012-Felony Weapons-Firearms-Receiving & Concealing-Pled Nolo Contd, 22nd Circuit Court;
- c. 2013-Felony Stolen Property-Receiving/Concealing-\$1,000 or more but less than \$20,000-Pled Nolo Contd, 22nd Circuit Court;
- d. 2013-Felony Weapons-Firearms-Possession by Felon-Pled Nolo Contd, 22nd Circuit Court;

- e. 2013-Felony Stolen Property-Receiving/Concealing-\$1,000 or more but less than \$20,000-Found Guilty, 22nd Circuit Court; and
- f. 2018-Felony Weapons-Firearms-Possession by Felon, Pled Nolo Contd, 22nd Circuit Court.

6. Based on my investigation, SMITH knows he has been convicted of a crime punishable by more than one year in prison.

7. On July 21, 2021, at approximately 4:42 p.m., Westland Police Officer Neville, a senior police officer with over 22 years of experience, was on patrol in fully marked Westland patrol vehicle 317 while working a patrol regarding traffic infractions such as distracted driving and violations of the Michigan seatbelt law. Officer Neville observed a black Chevrolet Suburban with Michigan license plate: EJF2207 (later found to be registered to SMITH) driving south bound on Middlebelt approaching Van Born in the city of Westland. Officer Neville had a clear, unobstructed view of the driver (later identified as SMITH), who was the lone occupant of the vehicle. Officer Neville observed that SMITH was violating the Michigan seat belt law. Officer Neville initiated a traffic stop of SMITH in the area of Middlebelt and Beverly.

8. The vehicle ultimately stopped in the parking lot of the Auto Value located on Middlebelt Rd. Romulus, MI. As Officer Neville exited his patrol vehicle, he observed SMITH look back at him then reach directly down towards

the floorboard under the driver's seat, based on Officer Neville's training and experience he believes that SMITH was either retrieving an item or concealing an item. He then observed Smith reach to the right and down and then heard a distinct sound of metal hitting metal, which he believes was SMITH discarding a firearm under the seat.

9. As Officer Neville made contact with SMITH at the driver's side window of the vehicle, SMITH appeared very nervous. SMITH could not provide any form of identification but told Officer Neville that his name was "Terrill." SMITH then tried rolling up the window multiple times. Officer Neville prevented it by pushing the window down with his hands that were on top of the window, this occurred more than one time. SMITH then moved across to the right front passenger seat, grabbed a blueish/green colored bag that was partially on the seat and under the center console. SMITH exited the right front passenger door and fled on foot west bound through the parking lot as Officer Neville gave chase.

10. ATF Agents along with members of the Wayne County Sheriff, the Michigan State Police and the Inkster Police Department were working a proactive gun violence reduction initiative in the area of Inkster/Westland Michigan. Agents/Officers heard Officer Neville calling for assistance as he pursued SMITH. Within minutes Officers were able to establish a perimeter in the area. A short time later, SMITH was observed running west bound into the rear lot of 6***

Metroplex, Romulus, MI. There were multiple uniformed officers from multiple agencies in the area, on foot attempting to apprehend SMITH and giving verbal commands for SMITH to stop. SMITH continued to flee into the rear door of the business at 6*** Metroplex, Romulus, MI. Wayne County Sheriff, Sgt. Glatfelter went to the rear of 6*** Metroplex, Romulus, MI with Wayne County K-9 Officer Sgt. Migliaccio and K-9 Trooper Pitsch. At that time, SMITH was ordered out of the building to which he complied and was then arrested. SMITH was then turned over to Westland Police Officers Monson and Kenyon.

11. During the foot pursuit, Westland Police Sergeant Compton arrived on scene and secured the suspect vehicle and recovered a Glock 27, .40 caliber semi-automatic pistol bearing serial number: NKM804 from under the right front passenger seat. The firearm contained several live rounds with one round in the chamber. A black Apple iPhone was recovered from the front passenger seat and a black LG cell phone was recovered from the rear of the vehicle.

12. The previously mentioned blueish/green bag was recovered containing miscellaneous clothing in a parking lot between the traffic stop and the building where SMITH was ultimately placed under arrest.

13. All evidence including the firearm were placed on evidence at the Westland Police Department. SMITH was arrested for Concealed Weapons-

Firearm in Auto (CCW) and a full extradition warrant for Cocaine Possession out of the Washtenaw County Sheriff's Office.

14. On July 22, 2021, I spoke to Special Agent Jacobs who is an interstate nexus expert. It is his opinion that this firearm was manufactured outside of the state of Michigan and therefore effected interstate commerce.

CONCLUSION

15. Based on the aforementioned facts, there is probable cause to believe Terrill Smith (DOB: XX/XX/1976) a convicted felon who was aware of his felony convictions, did knowingly and intentionally possess a Glock, model 27, .40 caliber, semiautomatic pistol, having affected interstate commerce, in violation of 18 U.S.C. § 922(g)(1) – felon in possession of a firearm. Said violations occurred on or about July 21, 2021, in the Eastern Judicial District of Michigan.

Respectfully submitted,

Matthew H. Totten
Matthew Totten, Special Agent
Bureau of Alcohol, Tobacco, Firearms
and Explosives

Sworn to before me and signed in my presence
and/or by reliable electronic means

Kim G Altman

Hon. Kimberly G. Altman
United States Magistrate Judge

Dated: July 22, 2021